

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ALBERT SANCHEZ CHURBE, 1318808,))	
PLAINTIFF,)	
v.)	No. 3:06-CV-886-G
THE HIDDEN DOOR, ET AL.,)	ECF
DEFENDANTS.)	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

This cause of action was referred to the United States Magistrate Judge pursuant to the provisions of Title 28, United States Code, Section 636(b), as implemented by an order of the United States District Court for the Northern District of Texas. The Findings, Conclusions and Recommendation of the United States Magistrate Judge follow:

FINDINGS AND CONCLUSIONS

I. FACTUAL BACKGROUND

Plaintiff is a state prisoner. Defendants are The Hidden Door, a security firm hired by The Hidden Door, and a security officer named Bill. Plaintiff alleges that in July, 2004, the security officer assaulted him. He seeks damages for bodily injury, mental anguish, pain and suffering, and lost wages.

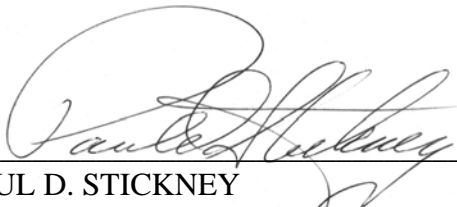
II. DISCUSSION

The Court finds Plaintiff's complaint should be dismissed as duplicative. Plaintiff has previously filed the identical suit, and it is currently pending before the Court. *See Churbe v. The Hidden Door Establishment*, No. 3:06-CV-805-D (N.D. Tex. filed May 4, 2006). The Court therefore recommends that this complaint be dismissed.

RECOMMENDATION

For the foregoing reasons, the Court recommends that the District Court dismiss Plaintiff's complaint as duplicative.

Signed this 26th day of May, 2006.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk shall serve a true copy of these findings, conclusions and recommendation on Plaintiff. Pursuant to Title 28, United States Code, Section 636(b)(1), any party who desires to object to these findings, conclusions and recommendation must serve and file written objections within ten days after being served with a copy. A party filing objections must specifically identify those findings, conclusions or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. A party's failure to file such written objections to these proposed findings, conclusions and recommendation shall bar that party from a *de novo* determination by the District Court. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation within ten days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).